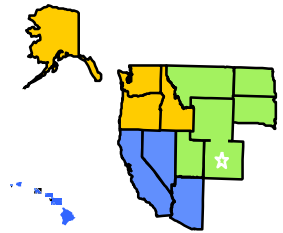




US Army Environmental Center Western Regional Environmental Office REGION 8 – OCTOBER 2006 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. When used within the framework of ISO14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. Please contact your Regional Environmental Coordinator (REC) point of contact if any pending rules or laws in this document will have a significant impact on your operations.

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WREO Information About Monthly Reviews

The monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: jmiller@rma.army.mil. Write "Subscription" in the subject line and include your name and e-mail address. For general comments, please contact Bob Gurdikian at the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0952, or fax: (303) 844-0951.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide regional reviews of legislative and regulatory issues relevant to the Army/DoD in the Western Region. The information contained in this review is current as of the 20th day of the previous month.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

NESHAPS: STANDARDS FOR HAZARDOUS WASTE COMBUSTORS – The Environmental Protection Agency (EPA) is granting reconsideration of the final National Emission Standards for Hazardous Air Pollutants (NESHAPS) for hazardous waste combustors and is proposing several amendments and corrections to the final rule regarding compliance and monitoring issues ([71 FR 51193](#)). Written comments must be received by October 26, 2006. For more information, contact Paul Josephson, United States Army Environmental Center (USAEC), at (410) 436-1205.

NEW SOURCE REVIEW – The EPA proposes revisions to the regulations governing the major New Source Review (NSR) programs mandated by parts C and D of Title I of the Clean Air Act (CAA) ([71 FR 54235](#)). The proposed rules are intended to improve implementation of the program by articulating and codifying principles for determining major NSR applicability currently addressed through guidance only. Comments must be received on or before November 13, 2006. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

NAAQS FOR PM 2.5 AND PM 10 – In advance of publication in the Federal Register, EPA has released the text of a final rule addressing the National Ambient Air Quality Standards (NAAQS) for particulate matter fine particles (PM 2.5) and inhalable coarse particles (PM10). In this final rule, EPA did not make any distinction between natural sources of particulate matter and combustion related sources. For more information, contact Aaron Sprouse, USAEC, at (410) 436-7079. A fact sheet is available at http://epa.gov/pm/pdfs/20060921_factsheet.pdf.

WATER INFORMATION:

INTERNET PUBLICATION OF PROPOSED PENALTIES UNDER THE CWA AND SDWA – EPA intends to issue public notices of proposed penalty orders issued under the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA) via the Internet ([71 FR 51193](#)). Additionally, EPA Headquarters is also encouraging the Regions to use their Internet site to provide notice of proposed CWA and SDWA actions. For more information, contact Misha Turner, USAEC, at (410) 436- 1203.

COURT JUDGMENT VACATES EPA REGULATORY PRACTICE OF EXEMPTING SHIP'S OPERATIONAL DISCHARGES FROM NPDES PERMITTING – The U.S. District Court, Northern District of California, vacated EPA's regulatory provision at 40 CFR 122.3(a) that exempts discharges incidental to the normal operation of a vessel from NPDES permitting, effective September 30, 2008. A report on the Judge's ruling can be found at <http://www.jsonline.com/story/index.aspx?id=500674>.

WASTE INFORMATION:

MERCURY LAMP DRUM-TOP CRUSHER STUDY – The EPA has posted a study of drum-top mercury lamp crushing devices. The study provides the most current information on the performance of drum-top mercury lamp crushing devices, with respect to operator exposure to mercury emissions from the units. The study is available at <http://www.epa.gov/epaoswer/hazwaste/id/univwast/drumtop/drum-top.pdf#>.

OTHER INFORMATION:

RQ ADJUSTMENT FOR ISOPHORONE DIISOCYANATE – The EPA is revising the reportable quantity (RQ) for Isophorone Diisocyanate (IPDI) to 500 pounds (71 FR 53354). On September 8, 2003, EPA modified the threshold planning quantity (TPQ) for IPDI to 500 pounds. However, EPA inadvertently omitted an RQ adjustment for this substance. Therefore, EPA is now proposing to adjust the RQ for IPDI to be 500 pounds. Comments must be received on or before October 11, 2006.

RENEWABLE FUEL STANDARD PROGRAM – The EPA has proposed regulations to address fuels and fuel additives under the Renewable Fuel Standard Program (71 FR 55551). This action proposes regulations designed to ensure that refiners, blenders, and importers of gasoline will use enough renewable fuel each year so that this total volume requirement is met. Comments are due November 12, 2006. For more information, contact Bob Shakeshaft, USAEC, at (410) 436-1222.

RENEWABLE FUEL STANDARD PROGRAM – The EPA has proposed an increase in the required percentage of renewable fuels blended into gasoline within the continental U.S. The new regulation proposes that 3.71 percent of all the gasoline sold or dispensed to U.S. motorists in 2007 be renewable fuel. The default standard of 2.78 percent for 2006 will continue to apply through calendar year 2006. Comments are due November 12, 2006. For more information, contact Bob Shakeshaft, USAEC at (410) 436-1222. Text of the proposed regulation is available at <http://www.epa.gov/otaq/renewablefuels>.

BEST PRACTICES TO PREVENT ASBESTOS EXPOSURE AMONG BRAKE AND CLUTCH REPAIR WORKERS – The EPA has released a draft brochure entitled, "Current Best Practices for Preventing Asbestos Exposure Among Brake and Clutch Repair Workers" (71 FR 50060). When finalized, this brochure will update and supercede the existing document entitled, "Guidance for Preventing Asbestos Disease Among Auto Mechanics" (EPA-560- OPTS-86-002), commonly referred to as the "Gold Book." Comments are due October 23, 2006. The draft brochure is available at <http://www.epa.gov/asbestos>.

EVALUATION OF THE CARCINOGENICITY OF ETHYLENE OXIDE – The EPA has issued a draft document that characterizes the potential for a carcinogenic health hazard from inhalation exposure to Ethylene Oxide (EtO). Comments are due by October 23, 2006. The draft document is available at <http://cfpub.epa.gov/ncea/cfm/recorddisplay.cfm?deid=157664>.

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OTHER FEDERAL INFORMATION

HAZARDOUS MATERIALS TRANSPORTATION – The Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments ([71 FR 51893](#)), including changes to proper shipping names, hazard classes, packing groups, and other requirements. Comments are due by October 16, 2006. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

REVISION OF REQUIREMENTS FOR HAZARDOUS MATERIALS TRANSPORTATION SECURITY PLANS – The PHMSA is considering revisions to the list of hazardous materials that require development and implementation of a security plan to address security risks during transportation in commerce ([71 FR 55156](#)). The DOT will hold a meeting November 10, 2006 in Washington, DC to discuss the rulemaking. Comments are due by December 20, 2006. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

INRMP TEMPLATE – On August 12, 2006, DoD signed the new Integrated Natural Resources Management Plan (INRMP) template. The template will be required for all new INRMPs and, to the extent practicable, for INRMPs that undergo major revisions.

GUIDANCE ON CATEGORICAL EXCLUSIONS UNDER NEPA – The Council on Environmental Quality has released proposed guidance for establishing and for using categorical exclusions under the National Environmental Policy Act (NEPA) ([71 FR 54816](#)). The guidance was developed through an interagency work group. Comments are due by October 27, 2006. The guidance is available at http://ceq.eh.doe.gov/ntf/Proposed_CE_guidance_91406.pdf.

DRAFT FRAMEWORK FOR DEVELOPING THE NATIONAL SYSTEM OF MARINE PROTECTED AREAS – The National Oceanic and Atmospheric Administration (NOAA) has developed a Draft Framework for Developing the National System of Marine Protected Areas (MPA). The document further provides the guiding principles, key definitions, goals, and objectives for the National System. Comments on the draft are due by February 14, 2007. A copy of the Draft Framework is available at <http://www.mpa.gov/>. For more information, contact Rosemary Queen, USAEC, at (410) 436-1586.

CLIMATE CHANGE DRAFT REPORT – NOAA has announced the availability of the draft Report for the U.S. Climate Change Science Program (CCSP). The draft report is available at <http://www.climatescience.gov/Library/sap/sap2-2/default.htm>. Comments are due by November 3, 2006. For more information, contact Rosemary Queen, USAEC, at (410) 436-1586.

CLIMATE CHANGE ALTERNATIVE FUEL TRANSPORTATION PROGRAM – The U.S. Department of Energy (DOE) is proposing to modify the 2010 goal of 30 percent of U.S. motor fuel production be supplied by replacement fuels as established by the Energy Policy Act 1992. The DOE proposes to extend the date for achieving the goal to 2030. Comments are due by November 3, 2006. For more information, contact Bob Shakeshaft, USAEC, at (410) 436-1222. The notice can be found at <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/E6-15516.pdf>.

ATSDR PRIORITY HAZARDOUS SUBSTANCE DATA NEEDS – The Agency for Toxic Substances and Disease Registry (ATSDR) has identified two additional hazardous substances for which they intend to develop dose response data: Acrolein and Barium ([71 FR 53102](#)). Comments concerning the priority data needs for the two substances must be received by December 5, 2006. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

FUNDING OPPORTUNITY FOR THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM – The Office of Ocean and Coastal Resource Management and the National Ocean Service NOS/OCRM is soliciting coastal and estuarine land conservation acquisition projects from eligible coastal states ([71 FR 52065](#)). This announcement solicits proposals for land acquisition projects, up to 3 years in duration, with the purpose of protecting important coastal and estuarine areas. Proposals must be received no later than October 27, 2006. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

CANADA LYNX CRITICAL HABITAT PUBLIC COMMENT PERIOD – The Fish and Wildlife Service (FWS) announces the reopening of the public comment period on the proposal to designate critical habitat for the contiguous United States Distinct Population Segment (DPS) of the Canada Lynx ([71 FR 53355](#)). Montana is the only state for which critical habitat is proposed in Region 8. Public comments will be accepted until October 11, 2006. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

CNOR FOR THREATENED AND ENDANGERED SPECIES – In this Candidate Notice of Review (CNOR), the FWS presents an updated list of plant and animal species regarded as candidates or which have proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants ([71 FR 53755](#)). The CNOR recognizes seven new candidates, changes the listing priority number for 24 candidates, and removes 10 species from candidate status. The FWS will accept comments on the CNOR at any time. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

REVISED LIST OF MIGRATORY BIRDS – The FWS is proposing to revise the List of Migratory Birds by adding numerous species and removing numerous species ([71 FR 501093](#)). The net increase of 140 species (152 added and 12 removed) brings to 972 the total number of species protected by the Migratory Bird Treaty Act (MBTA). Submit comments on or before October 23, 2006. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

MOU TO PROMOTE THE CONSERVATION OF MIGRATORY BIRDS – A Memorandum of Understanding (MOU) between the U.S. Department of Defense (DoD) and the FWS has been signed regarding the conservation of migratory birds ([71 FR 51580](#)). The MOU identifies specific activities where cooperation between the DoD and FWS will contribute substantially to the conservation of migratory birds and their habitats. The MOU became effective July 31, 2006 and shall remain effective for a period of five years. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

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UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
EPA Training Courses	Multiple Dates	Multiple Sites	The EPA continually offers regional and national training opportunities on a variety of subjects. www.trainex.org
Alternative Fuel Transportation Program – Replacement Fuel Goal Modification	October 3, 2006	Washington, DC	The DOE is holding a public hearing on its proposed modification of replacement fuel goals. The public may present oral views, data, and arguments at the public hearing. http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-15516.htm
East Valley Water District Water Quality/Regulatory Conference	October 11-13, 2006	Ontario, CA	Conference will include discuss water quality regulations, perchlorate, legal issues, and disinfection by-products. www.eastvalley.org/wqc06/wqc06_callPapers.shtml
21st Century Ground Water Systems Conference	October 12-13, 2006	Costa Mesa, CA	21st Century Ground Water Systems brings together those working in and with ground water resources to evaluate how to best provide adequate, safe ground water supplies. The conference will focus on the next 20-30 years. Municipal, industrial, residential, agricultural, and ecosystem needs will be examined in relation to prioritizing ever-increasing water demands. http://www.ngwa.org/e/conf/0610125075.cfm#program
National Land Conservation Conference	October 12-15, 2006	Nashville, TN	Learn about the latest legislation that will change land conservation practices. http://www.lta.org/training/rally.htm
Workshop on Federal Stewardship of Electronics and Priority Chemicals	October 16-17, 2005	Seattle, WA	The Federal Electronics Challenge and the National Partnership for Environmental Priorities present a workshop on priority chemicals and electronics. http://www.federalelectronicschallenge.net/workshop.htm
Introductory Risk Communication Workshop	October 17-19, 2006	Ft. Meade, MD	CHPPM is hosting a workshop on how to develop a risk communication strategy to interact and communicate with internal and external audiences in situations relating to health, environmental, safety, deployment, homeland security, encroachment, sustainability, and emergency response. http://chppm-www.apgea.army.mil/risk
International Harmonization of Chemical Hazard Classification and Labeling Systems for Pesticide	October 17, 2006	Arlington, VA	The goals of this meeting are to discuss and clarify the scope and potential application of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) to pesticide products that are registered under FIFRA; to examine key issues raised in public comments on the Office of Pesticide Programs' GHS White Paper; and to assess potential paths forward to maximize benefits and minimize the costs. http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-8057.htm
E-Scrap 2006: The North American Electronics Recycling Conference	October 18, 2006	Austin, TX	The north American recycling conference will present the latest information on recycling of electronic products. http://www.resource-recycling.com/
State Energy Advisory Board Meeting	October 18-20, 2006	Knoxville, TN	The DOE will host a meeting of the State Energy Advisory Board. The agenda includes a tour of Oak Ridge National Laboratory, the electricity/energy efficiency nexus of 2006, more electric transportation, and nanomanufacturing. http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/E6-15233.pdf
1st Water Quality, Drought, Human Health & Engineering Conference	October 18-20, 2006	Las Vegas, NV	This unique 2 ½ -day forum will address issues regarding water quantity, quality, drought, human health & engineering. In addition, new advances in remediation technology will be discussed, along with policies regarding regulation and legislation. http://www.asmeconferences.org/water06/

EVENT	DATE	LOCATION	DETAILS
79th Annual Technical Exhibition and Conference of the Water Environment Federation (WEFTEC)	October 22-25, 2006	Dallas, TX	At the WEFTEC conference, water and wastewater professionals will learn from their peers about the latest practices, technologies, solutions and regulations in the water quality field, and choose from a comprehensive list of 94 technical sessions, 25 workshops and 8 facility tours to design their own learning experience. http://weftec.org/AboutWefTec/AboutWEFTEC/
International Water Conference	October 22-26, 2006	Pittsburgh, PA	The International Water Conference attendees come to learn about the latest applications available in the industrial water treatment industry, educate themselves in current technology and applications through attendance in IWC workshops, and network heavily with their peers active in water treatment. http://www.eswp.com/water/
Public Meeting Draft Stage 2 DBP Rule Simultaneous Compliance Guidance Manual	October 26, 2006	Washington, DC	The EPA will hold a public meeting to discuss the draft Simultaneous Compliance Guidance Manual for Stage 2 Disinfectant and Disinfection Byproducts (DBP) Rules. The meeting will discuss the purpose and organization of the draft guidance manual (71 FR 55465).
6th Annual BioCycle Conference On Renewable Energy From Organics Recycling	October 30-November 1, 2006	Minneapolis, MN	Conference topics include: Achieving a bioenergy future, new catalysts for renewable power, new breakthroughs in hydrogen production, and more. http://www.jgpress.com/bcec06_card.pdf
2006 Annual Conference of the American Water Resources Association	November 6-9, 2006	Baltimore, MD	Conference topics include discussions on the impacts of climate change on water resources, watershed management, groundwater modeling, storm water, flood management, integrated water resources planning, and more. http://www.awra.org/meetings/Baltimore2006/
5th Annual Fort Carson Community Sustainability Conference and Expo	November 8 - 9, 2006	Colorado Springs, CO	The 5th Annual Fort Carson Community Sustainability Conference and Expo is titled "Gaining Irreversible Momentum for Regional Sustainability". http://sems.carson.army.mil/
Revision Requirements for Hazardous Materials Transportation Security Plans	November 10, 2006	Washington, DC	PHMSA will hold a public meeting to obtain stakeholder comments on security plan requirements. This public meeting provides an opportunity for the public to comment on this issue and make recommendations on the applicability of the security plan requirements. http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-7930.htm
3rd International Fire Ecology and Management Congress	November 13-17, 2006	San Diego, CA	The Third Fire Ecology and Management Congress provides a week long focus on the science and technology that are the basis for the management of wildland fire. The theme of the plenary session is "Changing fire regimes: Context and consequences." http://emmps.wsu.edu/firecongress/intro.html
Partners in Environmental Technology Technical Symposium & Workshop	November 28-30, 2006	Washington, DC	This event will provide attendees concurrent technical sessions covering the latest in environmental research results and technical innovations. www.serdp.org/Symposium/index.cfm
International Symposium of Nanotechnology/Occupational Health and Safety	December 3-8, 2006	Cincinnati, OH	The conference is centered on the impact of nanotechnology on occupational and environmental health and safety. http://www.uc.edu/noehs/index.html
2006 National Environmental Public Health Conference	December 4-6, 2006	Atlanta, GA	Topics will include bio-monitoring; climate change; environmental justice; environmental public health tracking; food and water protection; health disparities; healthy places and healthy homes; indoor air quality; injury prevention; laboratory science and service; preparedness & response; public health policy and law; toxicants, exposures, and contaminants; vector management; and workforce development. http://www.cdc.gov/nceh/conference/index.htm
Idaho Environmental Summit	December 5-7, 2006	Boise, ID	The people of Idaho working together to achieve a healthy environment through communication, education and action. http://www.idahoforum.org/
2006 National Ground Water Association (NGWA) Ground Water Expo: Better Together	December 5-8, 2006	Las Vegas, NV	The expo includes panel discussions on ground water sustainability and workshops outlining the most recent DOT rulings for drill rigs to hands-on training demonstrations. Plus there will be an exhibit hall bursting at the seams with the newest products and technologies. http://www.ngwa.org/expo2006/main.cfm
Third National Water Resources Policy Dialog	January 22-23, 2007	Arlington, VA	This conference will discuss existing water resource policies and aim to develop a national water policy. http://www.awra.org/meetings/DC2007/index.html

EVENT	DATE	LOCATION	DETAILS
Alaska Forum on the Environment	February 12-16, 2007	Anchorage, AK	This year's event will again deliver nationally recognized speakers. Over 80 breakout sessions will provide educational opportunities and the latest research information of Alaska's environment. http://www.akforum.com/
Ground Water Industry Legislative Conference/NWGA Fly-in	March 5-6, 2007	Washington, DC	Annual conference for National Ground Water Association members who receive briefings from congressional leaders and key policy makers. http://www.ngwa.org/ngwainwashington/flyin.cfm
North American Wildlife and Natural Resources Conference	March 20-24, 2007	Portland, OR	The Wildlife Management Institute is holding the 72 nd Annual Conference to address prevailing issues, policies and practices of professional management of wildlife and other natural resources. http://www.wildlifemanagementinstitute.org/pages/TOC.html?179,143
GW18 Global Warming International Conference and Expo	April 18-20, 2007	Miami, FL	Join us at GW18 to learn about what local and international governments are doing to mitigate global warming, see what innovative new products and technologies are being created at the GW18 Expo and learn what you can do today as well as how you can educate the next generation of the world about this global problem. http://gw18.globalwarming.net/

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

EMISSIONS OF VOLATILE ORGANIC COMPOUNDS – The Colorado Air Quality Control Commission (AQCC) is proposing amendments to Regulation 7 to reduce flash volatile organic compound (VOC) emissions from atmospheric condensate tanks. The AQCC will hold a public hearing on November 16 and 17, 2006 to consider adoption of the amendments. Written comments are due November 2, 2006. For more information, contact Gary Kaufman at (303) 629-3269. The proposed regulations are available at http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F26674/Reg%207%20RMH%20Notice-PropLang%20081706.doc.

STATIONARY SOURCE PERMITTING AND AIR POLLUTANT EMISSION NOTICE REQUIREMENTS – The Colorado AQCC has adopted revisions to Regulation 3 to align the state rules with applicable federal rules. The amendments were adopted August 17, 2006, and will take effect October 30, 2006. For more information contact Melanie Loyzim at (303) 692-3147. The final regulations, effective October 30, 2006, are available at <http://www.cdphe.state.co.us/op/regs/airregs/100102aqcccommonprovisionsreg.pdf>.
<http://www.cdphe.state.co.us/op/regs/airregs/100103aqccstationarysourcepermitting.pdf>.

UPSET PROVISIONS IN THE COMMON PROVISIONS REGULATION – The Colorado AQCC is proposing to amend the Upset Provisions in Section II.E. of the AQCC's Common Provisions Regulation in response to a petition submitted to EPA seeking to have the provisions disapproved in the State Implementation Plan (SIP). The EPA has indicated that it believes the upset provisions must be revised. The AQCC will hold a public hearing December 14, 2006 and December 15, 2006 to consider adoption of the amendments. Comments are due December 1, 2006. For more information contact Melanie Loyzim at (303) 692-3147. Notice of the December 14, 2006 public hearing, including the proposed regulatory text, is available at http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F24306/Common%20Provisions%20RMH%20091406-DORA.doc.

DIESEL OPACITY INSPECTION AND DIESEL FLEET SELF-CERTIFICATION PROGRAMS – The Colorado AQCC is proposing amendments to Regulation 12 to revise the testing period and the model year exemption period for light duty diesel vehicles. Written comments are due November 2, 2006, with a public hearing on November 11, 2006. For more information, contact Doug Decker at (303) 692-3126. The proposed revisions are available at http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F10777/Reg%2012%20RMH%20Notice-PropLang%20081706.doc.

WATER INFORMATION:

CLEAR CREEK TMDLS – The Colorado Water Quality Control Commission (WQCC) is proposing to adopt Total Maximum Daily Loads (TMDLs) for Clear Creek for copper and zinc. The WQCC is accepting public comment on the Clear Creek TMDLs through October 2, 2006. Following the close of the comment period, the TMDLs will be submitted to USEPA for final approval. No public hearing has been scheduled, however one may be requested. For more information, contact Eric Oppelt at (303) 692-3608. The Clear Creek TMDL Draft report can be found at <http://www.cdphe.state.co.us/wq/Assessment/TMDL/southplatte.html>.

ARKANSAS/RIO GRANDE BASIN WATER QUALITY STANDARDS – The Colorado WQCC is discussing various Water Quality Standards rulemakings that it may undertake in the Arkansas/Rio Grande Basin prior to the next scheduled triennial review in June 2007. This process will begin in November 2006 with an issues formulation hearing that will set forth the list of issues to be considered in the June 2007 proceeding. The WQCC will also hold a public hearing January 8, 2006 to consider adoption of revisions to current provisions to Regulations 31 and 32. For more information, contact Diana Glaser at (303) 692-3469. Notice of the December 11, 2006 public hearing is available at http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F16970/TMnotice1206.pdf. Notice of the January 8, 2006 public hearing is available at <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/rulemaking/TSnotice0701.pdf>.

UPPER AND LOWER COLORADO RIVER BASINS – The Colorado WQCC is discussing amendment of the Upper and Lower Colorado River basins water quality classifications and standards. The WQCC will hold an issue scoping hearing on the possibility of amendments to the water quality standards and classifications on October 10, 2006. For more information, contact Diana Glaser at (303) 692-3469. Notice of the November 10, 2006 issue scoping hearing is available at <http://www.cdphe.state.co.us/op/wqcc/WQClassandStandards/Regs33-37/Regs33-37.html>.

PQL GUIDANCE – The Colorado WQCC is discussing the adoption of a Guidance Document for Practical Quantitation Limits (PQLs) for discharges under the Colorado Discharge Permit System (Regulation 61). Depending on the type of receiving water (surface or ground), the PQL may be a value developed by the Water Quality Control Division or the EPA. A public informational hearing will be held on October 10, 2006. For more information, contact Diana Glaser at (303) 692-3469. Notice of the public hearing is available at <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/Informational/PQLguidanceIH.pdf>. The proposed guidance is available at <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/Informational/PQLex1.pdf>.

AMENDMENTS TO PRETREATMENT REGULATIONS – The Colorado WQCC is undertaking a triennial review of Regulation 63-Pretreatment Requirements. These regulations set forth how effluent must be treated prior to release into any specified class of state water. A rule-making hearing has been set for February 12, 2007. For more information, contact Diana Glaser at (303) 692-3469. The WQCC long-range schedule is available at <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/LRSANDNotes/wqlongrange.html>.

RECLAIMED WATER CONTROL – The Colorado WQCC is discussing potential amendment of Regulation 84-Reclaimed Water Control, as part of the triennial review of its water quality standards. The WQCC will hold an informational meeting October 10, 2006. For more information, contact Diana Glaser at (303) 692-3469. Notice of the October 10, 2006 informational meeting is available at <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/Triennial/84TRIInfo.html>.

STATEWIDE WATER POLLUTION PROBLEMS – The Colorado WQCC is discussing potential amendments to its regulations to better address water pollution in Colorado. The WQCC will hold a public meeting on October 10, 2006 to solicit input on water pollution problems within the state, alleged sources of water pollution within this state, and the availability of practical remedies. For more information, contact Diana Glaser at (303) 692-3469. Notice of the October 10, 2006 public hearing is available at <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/Informational/wqpph.html>.

INTERIM WATER RESOURCES REVIEW COMMITTEE – This committee was established for purposes of contributing to and monitoring the conservation, use, development, and financing of the water resources of Colorado for the general welfare of its inhabitants and to review and propose water resources legislation. The committee held a meeting on September 15, 2006 to discuss water issues in Colorado. The committee website, include committee schedules, meeting topics, and proposed legislation, is available at http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2006/comsched/06WaterResourcesSched.htm#Proposed.

WASTE INFORMATION:

WASTE MOTOR VEHICLE TIRE HAULER REGULATIONS – The Colorado Department of Public Health and Environment (CDPHE) is proposing the adoption of regulations addressing Waste Motor Vehicle Tire Haulers. Specifically, the regulations would address three specific issues, including commercial transportation of waste motor vehicle tires, Surety Bonds for Waste Motor Vehicle Tire Haulers, and a definition section for the regulations. The draft text was formally released for comment September 8, 2006. A public hearing on the amendment and proposed rule will be held November 15, 2006. For more information, contact Doug Ikenberry at 303-692-3300. The September 8, 2006 draft text is available at http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F22790/WasteTireHaulersDraftwithbasis060908.pdf.

PROPOSED AMENDMENTS TO HAZARDOUS WASTE RULES – The CDPHE Hazardous Waste Commission has adopted proposed amendments to Colorado Hazardous Waste Rules. The amendments apply to rules for conditionally exempt small quantity generators, tracking of accumulation time for tanks and containers, accumulation in open top tanks, and effective dates of permits. A proposed amendment on self-certification rules has not been adopted. The adopted amendments are effective November 30, 2006. Specific information on proposed rule changes can be found at <http://www.cdphe.state.co.us/op/hwc/amendment10032effectivedatepermits.pdf#search=%22colorado%20hazardous%20waste%20commission%20proposed%20rule%20changes%22>.

OTHER INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on January 11, 2006 and ended on May 10, 2006. A special session began on July 6, 2006 and ended on July 10, 2006. No relevant legislative developments occurred during the last special session. For information on the legislative session, link: <http://www.leg.state.co.us/>.

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MONTANA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

OPEN BURNING FEES – The Montana Department of Environmental Quality (DEQ) is proposing updates to the annual air quality operations and open burning fees. The amendments would affect all facilities that either hold an air quality permit or that will be required to obtain an air quality permit. The DEQ is also proposing to establish an annual flat fee for portable facilities rather than basing their fee on emissions of air pollutants. Notice of the August 8, 2006 public hearing and proposed rules can be found at <http://www.deq.state.mt.us/dir/legal/Notices/17-248pro.pdf>.

WATER INFORMATION:

REPEAL OF TEMPORARY WATER QUALITY STANDARDS – The Montana DEQ, Board of Environmental Review, is proposing to repeal the temporary water quality standards for portions of Mike Horse Creek, Beartrap Creek, and the Upper Blackfoot River. For more information, contact Joe Russell at (406) 751-8101.

DRAFT 2006 INTEGRATED WATER QUALITY REPORT – The Montana DEQ has prepared a Draft 2006 Integrated Water Quality Report. The Report includes the List of Impaired Montana Water bodies in Need of Water Quality Restoration [303(d) list] and a summary of water quality information for the state [305(b) report]. Following public comment, the report will be submitted to USEPA. For more information, contact Kyle Flynn at (406) 444-3409. Comments are due November 7, 2006. The report is available from the Montana Clean Water Act Information Center at <http://www.deq.mt.gov/CWAIC/default.aspx>.

GALLATIN RIVER – The Montana DEQ is proposing to designate the mainstem Gallatin River from the Yellowstone National Park boundary to the confluence of Spanish Creek as an outstanding resource water (ORW). A draft Environmental Impact Statement (EIS) has been prepared and is available for public comment until October 27, 2006. A public hearing is scheduled for October 25, 2006. Written comments are due November 2, 2006. For more information, contact Bonnie Lovelace at (406) 444-4969. The EIS can be found at <http://www.deq.mt.gov/>. Notice of the public hearing was published in the October 5, 2006 Montana Administrative Register at <http://www.sos.state.mt.us/ARM/Register/index.asp>.

WASTE INFORMATION:

None.

OTHER INFORMATION:

INSPECTION AND MAINTENANCE PROGRAMS – The Montana Revenue and Transportation Interim Committee has been established to conduct administrative rule review, draft legislation review, program evaluation, and monitoring functions for the Department of Revenue and the DOT and the entities attached to the departments for administrative purposes. The Committee is chaired by Senator Jim Elliott (D), while Representative Karl Waitschies (R) serves as Vice-Chair. A link to the Montana Revenue and Transportation Interim Committee website is available at http://leg.mt.gov/css/committees/interim/2005_2006/rev_trans/default.asp.

MONTANA GREY WOLF MANAGEMENT PLAN – The Montana Fish, Wildlife, and Parks (FWP) Department is discussing the implementation of the state's federally approved management plan that will take effect upon delisting of the grey wolf from the endangered species list. The FWP Department is also discussing steps that may be completed prior to delisting the grey wolf. For more information, contact Steve Knapp at (406) 444-4717. General information on the grey wolf in Montana is available at <http://fwp.mt.gov/wildthings/tande/wolf.html>.

LEGISLATIVE DEVELOPMENTS

MONTANA ENERGY TRANSMISSION AND TRANSPORTATION AUTHORITY ACT – The draft act establishes the Montana Energy Transmission and Transportation Authority to facilitate planning, develop, economic analysis, and coordination of energy transmission and transportation facilities and related infrastructure. The draft act is available at http://leg.mt.gov/content/committees/interim/2005_2006/energy_telecom/Legislation/TransmissionTransportationAuthority.pdf.

There is no 2006 regular legislative session. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

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NORTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

None.

WATER INFORMATION:

None.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

There is no 2006 regular legislative session. For information on the 2005 legislative session, link:
<http://www.legis.nd.gov/>

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SOUTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

None.

WATER INFORMATION:

WATER REGULATION AMENDMENTS – The South Dakota Department of Environment and Natural Resources (DENR) is proposing to amend various portions of the state water regulations. The DENR held a public hearing on September 28, 2006 to consider the proposed amendments. For more information, contact Tim Tollefsrud at (605) 773-3153. Notice of the public hearing can be found at <http://www.state.sd.us/denr/BWNRNotice0906.pdf>.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on January 10, 2006 and ended March 20, 2006. For information on the legislative session, link: <http://legis.state.sd.us/index.cfm>.

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UTAH

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

AREA SOURCE TITLE V OPERATING PERMIT PROGRAM EXEMPTIONS – The Utah Department of Environmental Quality (DEQ) has adopted amendments to exempt five area sources from the Title V permitting program because they are regulated under separate CAA requirements. The amended rules were adopted September 6, 2006. For more information, contact Jan Miller at (801) 536-4042. Notice of the proposed rulemaking is available at http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/pdf-files/R307-415/DAR_R307-415.pdf.

MERCURY WORK GROUP PUBLIC WORKSHOP – The Utah DEQ Mercury Work Group held a public meeting on September 28, 2006 regarding implementation of the Clean Air Mercury Rule (CAMR). For more information, contact John Whitehead (801) 538-6053. The Mercury Work Group website is available at <http://www.deq.utah.gov/Issues/Mercury/workgroup.htm>.

CAMR IMPLEMENTATION – The Utah DEQ anticipates formally proposing CAMR rules and releasing them for public comment in November, 2006. For more information, contact Bill Reiss (801) 536-4077. A tentative schedule for the Utah Mercury plan is available at <http://www.airquality.utah.gov/Public-Interest/Current-Issues/mercury/Schedule.htm>. The draft mercury regulations are available at <http://www.airquality.utah.gov/Public-Interest/Current-Issues/mercury/Rules.htm>.

ATTAINMENT DESIGNATION FOR PM10 AND SO2 – The Utah DEQ has adopted revisions to the PM10 Maintenance Plan and is now awaiting EPA plan approval. The Department is currently seeking a SIP revision to designate Salt Lake County and Tooele County above 5600 feet as attainment for SO2. These are the only remaining Utah SO2 non-attainment areas. For more information, contact Colleen Delaney at (801) 536-4248.

OZONE MAINTENANCE PLAN – The Utah DEQ is proposing required updates to the 1-hour Ozone Maintenance Plan for Salt Lake and Davis Counties. The DEQ is also planning to make changes to bring the air quality rules into alignment with the new Ozone Maintenance Plan. The DEQ is also proposing to delete R307-332 Davis and Salt Lake Counties and Ozone Nonattainment Areas: Stage II Vapor Recovery Systems. A public hearing will be held October 17, 2006 to accept comments on the proposed amendments. Written comments are due October 31, 2006. The amendments are expected to be adopted December 6, 2006. For more information, contact Colleen Delaney at (801) 536-4248. Notice of the October 17, 2006 public hearing is available at http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/pdf-files/ozone/Ozone_NOTICE.pdf.

WATER INFORMATION:

UIC PROGRAM – The Utah DEQ has adopted amendments to the Underground Injection Control (UIC) regulations. The changes align the UIC definitions with those addressing Large Onsite Sewer Systems (LOSS) to avoid confusion over different interpretations of the existing regulation regarding flow rate. The rule was adopted and took effect August 25, 2006. For more information, contact Candace Cady at (801) 538-9260. The rule text can be found at <http://rules.utah.gov/publicat/bulletin/2006/20060715/28859.htm>.

WASTE INFORMATION:

ADOPTION OF FEDERAL MUNITIONS RULE – The Utah DEQ is proposing the adoption of regulations implementing the federal munitions rule. The DEQ is planning only to adopt those sections considered mandatory by the EPA. The proposed rule is expected to be released for a 30-day comment period on October 15, 2006. The DEQ anticipates that the proposal will be considered for adoption by the Solid and Hazardous Waste Control Board at its December meeting, tentatively scheduled for December 14, 2006. On this timeframe, staff anticipate an effective date of December 15, 2006. For more information, contact Susan Toronto at (801) 538-6776. The federal munitions rule, published 02/12/97, is available at <http://frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=162833470278+27+0+0&WAIAction=retrieve>.

ADOPTION OF FEDERAL UNIFORM HAZARDOUS WASTE MANIFEST RULE – The Utah DEQ has finalized the development of rules to incorporate changes made to the federal manifest program. For more information, contact Susan Toronto at (801) 538-6776. Information on the uniform manifest is available at <http://www.hazardouswaste.utah.gov/NewManifest.htm>.

CONSTRUCTION AND DEMOLITION LANDFILLS – The Utah DEQ is revising the class IV and VI rules for construction and demolition waste (CDW) landfills. These revisions have been under development since 2004. Comments on the proposed rule changes were due September 8, 2006. For more information, contact Ralph Bohn at (801) 538-6170. The proposed revisions are available at http://www.hazardouswaste.utah.gov/Public/Adobe/R315_305_Proposed.pdf.

AUTOMOTIVE MERCURY SWITCHES – The Utah DEQ is developing regulations regarding end-of-life automotive mercury switch removal standards in accordance with House Bill (HB) 138-The Mercury Switch Removal Act of 2006. For more information, contact Rob Powers (801) 538-9407. HB 138 can be found at <http://www.le.state.ut.us/~2006/htmldoc/hbillhtm/HB0138S01.htm>. The Utah DEQ maintains a website with information on mercury and vehicles at <http://www.deq.utah.gov/Issues/Mercury/automobiles.htm>.

OTHER INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2006 legislative session began on January 16, 2006 and ended on March 1, 2006. For information on the legislative session, link: <http://www.le.state.ut.us/>.

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WYOMING

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

MERCURY BUDGET TRAINING PROGRAM – The Wyoming Environmental Quality Council (EQC) will hold a public hearing on October 10, 2006. The EQC will consider a rule proposal regarding the Mercury Budget Trading Program, and a proposal to adopt a Best Available Retrofit Technology (BART) rule to allow the State to comply with BART requirements in the 1999 Federal Regional Haze Rule. Information on the Public hearing is available at <http://deq.state.wy.us/aqd/proposedrules.asp>.

WATER INFORMATION:

WYOMING SURFACE WATER STANDARDS – The Wyoming DEQ is making amendments to its water quality standards as part of the state's triennial review. The amendments are all contained in Chapter 1. Additionally, the DEQ has proposed an additional revision to Chapter 1 that would revise the Agricultural Use Protection Policy. The Policy is used to aid in the interpretation and implementation of Chapter 1, Section 20- Agricultural Water Supply. The Water and Waste Advisory Board (WWAB) will discuss the Agricultural Use Protection Policy at a public meeting October 18, 2006. For more information, contact Bill DiRienzo at (307) 777-7081. The draft revisions to Chapter 1 are available at http://deq.state.wy.us/wqd/watershed/surfacestandards/Downloads/Triennial/Chap_1_3rd.pdf. The proposed revisions to Chapter 1, section 20 are available at http://deq.state.wy.us/wqd/events/ADV_BD/Adv_Bd_08_02_06/AG_POLICY_5TH_DRAFT.pdf.

WASTE INFORMATION:

UNDERGROUND STORAGE TANK COMPLIANCE ACT OF 2005 – The Wyoming DEQ is discussing the adoption of regulations implementing the Federal Underground Storage Tank Compliance Act of 2005 (USTCA). Wyoming is in the process of seeking primacy and is planning to modify its rules to comply with the USTCA, including plans to comply with fuel delivery prohibitions established in the Federal Energy Policy Act of 2005. The WWAB will discuss the proposed revisions at a public meeting October 18, 2006. Written comments must be received no later than October 10, 2006. For more information, contact Robert Lucht at (307) 777-7095. The notice of proposed rulemaking is available at http://deq.state.wy.us/shwd/STP/amendments_to_Chapter_17.htm.

TRAINING SESSION – The Wyoming Storage Tank Program will present a training session for operators of storage tanks on October 17, 2006. For more information, go to http://deq.state.wy.us/wqd/STP/STPDownloads/Operators_Training_2006.htm.

VOLUNTARY REMEDIATION PROGRAM – The Wyoming DEQ is in the process of establishing and implementing a voluntary remediation program, and has drafted Chapter 9, Pollution Prevention (P2) Regulations. This new rule establishes definitions, applicability, procedures, and minimum standards for P2 Plans. The P2 Draft Rule will be presented to the WWAB October 18, 2006. For more information, contact Carl Anderson at (307) 777-7753. Copies of draft fact sheets can be found at <http://deq.state.wy.us/volremedi/index.asp>. The P2 Plan Public Notice can be found at http://deq.state.wy.us/shwd/downloads/P2_rules__806/Notice%20of%20WWAB%20Meeting%20October%2018%202006%20with%20notice%20at%20SHWD%20website.pdf. The P2 Draft Rule can be found at http://deq.state.wy.us/shwd/downloads/P2_rules__806/P2%20Rules%20and%20Statement%20of%20Reason%20First%20Draft.pdf.

OTHER INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

EMINENT DOMAIN/TAKINGS – The Wyoming Joint Agriculture, Public Lands and Water Resources Interim Committee heard public comment and discussed proposed legislation [House Bill (HB) 0026] on the topic of eminent domain at its September 18, 2006 meeting. The proposed bill provides judicial review of agency action pertaining to eminent domain, awards attorney fees in certain situations, and provides that eminent domain be used only as a last resort. HB 0026 proposed bill text can be found at <http://legisweb.state.wy.us/2006/Interim/ag/BILLS/07Iso-0023w4.pdf>

The 2006 legislative session began on February 13, 2006 and ended March 10, 2006. For information on the legislative session, link: <http://legisweb.state.wy.us>.

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